# UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

FEDERAL TRADE COMMISSION,	§
	§
Plaintiff,	§
	§ CIVIL ACTION NO. SA-98-CV-0629-FB
V.	§
	§
HOLD BILLING SERVICES, LTD., a Texas	§
limited partnership; HBS, INC., a Texas	§
corporation; AVERY COMMUNICATIONS,	§
INC., a Texas corporation; VETERANS OF	§
AMERICA ASSOCIATION, LTD., a Texas	§
limited partnership; THOMAS M. LYONS,	§
individually and as an officer of HBS, Inc.;	§
KEITH C. CALIL, individually and as an	§
officer of Veterans of America Association,	§
Ltd.; and THOMAS M. LYONS, individually	§
and as an officer of Veterans of America	§
Association, Ltd.,	§
	§
Defendants.	§

## MOTION FOR HEARING AND ORAL ARGUMENT

#### TO THE HONORABLE U.S. MAGISTRATE JUDGE HENRY J. BEMPORAD:

Respondents<sup>1</sup> request a hearing for oral argument on Respondents' Motion to Modify or Interpret 1999 Order (Doc. 99) filed on April 4, 2013 (the "Motion"). The FTC filed its Opposition to the Motion (Doc. 106) on April 25, 2013 and Respondents submitted their Reply in Support of the Motion (Doc. 113) on May 13, 2013. No additional briefing has been submitted by either party. Accordingly, the Motion is ripe for decision by the Court.

The FTC's Motion for an Order to Show Cause (Doc. 65) is scheduled for evidentiary hearing from November 4 to November 15, 2013. (Doc 112). As represented to the Court at the

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<sup>&</sup>lt;sup>1</sup> Respondents include: (1) Billing Services Group Limited ("BSG Ltd."); (2) Billing Services Group North America, Inc. ("BSGNA"); (3) BSG Clearing Solutions North America, LLC ("BSG Clearing"); (4) HBS Billing Services Company ("HBS"); (5) ACI Billing Services, Inc. ("ACI"); (6) Billing Concepts, Inc. ("BCI"); and (7) Enhanced Services Billing, Inc. ("ESBI").

April 3, 2013 scheduling order and more fully set forth in the briefing, the Motion seeks the

Court's clarification of the parties to the 1999 Order and modernization of the 1999 Order, which

Respondents believe will narrow or eliminate the matters in dispute at the evidentiary hearing.

Accordingly, Respondents respectfully request that the Court schedule a hearing and oral

argument on the Motion on or before October 7, 2013, the deadline by which the parties are

required to submit materials for the October 21, 2013 final pretrial conference.

On September 19, 2013, the undersigned conferred via Certificate of Conference:

email with Robin Moore on behalf of the Federal Trade Commission regarding the relief

requested herein. Mr. Moore advised that the FTC opposes a hearing on the Motion, but does

not oppose a notice to the Court requesting a ruling on the Motion without a hearing.

WHEREFORE, the foregoing considered, Respondents request that the Court set

Respondents' Motion to Modify or Interpret 1999 Order for hearing and oral argument on or

before October 7, 2013.

Respectfully submitted,

By: /s/ Derick J. Rodgers

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#### **CERTIFICATE OF SERVICE**

I certify that on September 19, 2013, a true and correct copy of the foregoing document was filed with the Clerk of Court using the CM/ECF system which will send electronic notification to all counsel of record.

By: <u>/s/ Derick J. Rodgers</u>
Derick J. Rodgers